1 2 3 4 5 UNITED STATES DISTRICT COURT 6 DISTRICT OF NEVADA 7 8 SHAFQAAT BUKHARI, 9 Plaintiff, Case No. 2:10-cv-00823-GMN-GWF 10 **ORDER** VS. LENDING 1ST MORTGAGE, et al., 11 Motion to Strike (#29) 12 Defendants. 13 This matter is before the Court on the Motion of EMC Mortgage Corporation, Chase Home 14 15 Finance LLC, and Mortgage Electronic Registration Systems, Inc. to Strike Plaintiff's Opposition to 16 Defendants' Answer to Complaint (#29), filed September 20, 2010. 17 Defendants request that the Court strike Plaintiff's Opposition to Defendants' Answer (#27), as 18 an impermissible pleading. (#29). A response to a defendant's answer is not a recognized pleading 19 under Fed.R.Civ.P. 7. As a result, the Court finds good cause to strike Plaintiff's response. 20 In addition, Plaintiff failed to respond to the present motion and the time for opposition has now 21 passed. LR 7-2(d) states in pertinent part, that "[t]he failure of an opposing party to file points and 22 authorities in response to any motion shall constitute a consent to the granting of the motion." For the 23 reasons discussed above, the Court will grant the present motion. Accordingly, 24 . . . 25 26 27 28

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IT IS HEREBY ORDERED that Defendants' Motion to Strike Plaintiff's Opposition to Defendants' Answer to Complaint (#29) is granted. The Clerk of the Court shall strike Plaintiff's "Opposition to Defendants' Answer to Complaint" from the record. DATED this 11th day of January, 2011. Leonge Foley Jr. United States Magistrate Judge